

MESSAGE NO: 7362202 MESSAGE DATE: 12/28/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-886

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2006 TO 07/31/2007

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NON REVIEW LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE RETAIL
CARRIER BAGS FROM CHINA FOR LISTED FIRMS EXCEPT THOSE IMPORTED BY DMS
HOLDINGS (A-570-886)

MESSAGE NO: 7362202

DATE: 12 28 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 886

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PERIOD COVERED: 08 01 2006 TO 07 31 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NON REVIEW LIQUIDATION INSTRUCTIONS FOR POLYETHYLENE
RETAIL CARRIER BAGS FROM CHINA FOR LISTED FIRMS EXCEPT
THOSE IMPORTED BY DMS HOLDINGS (A-570-886)

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT
ADMINISTRATIVE REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS.
INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION
351.213 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. ON JULY 19, 2007, THE DEPARTMENT OF COMMERCE, PURSUANT TO 19
CFR 351.225(E), INITIATED A FORMAL SCOPE REVIEW REQUESTED BY DMS
HOLDINGS, INC., ON WHETHER CERTAIN HOSPITAL BAGS IMPORTED BY DMS

HOLDINGS, INC., ARE OUTSIDE THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON POLYETHYLENE RETAIL CARRIER BAGS FROM THE PEOPLE'S REPUBLIC OF CHINA. THE PRODUCTS IN QUESTION ARE:

BIOHAZARD DISPOSAL BAGS NOS. 75-860-010, 75-860-080, 75-864-080;

ISOLATION BAG NO. 75-850-000;

PATIENT SET-UP BAG NOS. 75-833-000, 75-842-000, 75-970-550, 75-973-550, 75-979-550;

PERSONAL BELONGINGS BAGS NOS. 75-010-850, 75-011-850, 75-013-850, 75-014-850, 75-019-850, 75-032-850, 75-033-850, 75-036-850, 75-037-850, 75-038-850, 75-046-850, 75-047-850, 75-075-850, 75-105-850, 75-109-850, 75-110-850, 75-111-850, 75-117-850, 75-118-850, 75-120-850, 75-124-850, 75-834-000, 75-838-000, 75-839-000, 75-844-000, 75-845-000, 75-847-000;

KIT PACKING BAGS NOS. 75-801-000, 75-802-000, 75-803-000, 75-804-000, 75-862-000, 75-863-000, 75-865-000.

3. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF THE PRODUCTS LISTED IN PARAGRAPH 2 ABOVE, PENDING THE FINAL OUTCOME OF THE ONGOING SCOPE INQUIRY. UPON COMPLETION OF THE SCOPE INQUIRY, THE DEPARTMENT OF COMMERCE WILL ISSUE SEPARATE LIQUIDATION INSTRUCTIONS BASED ON THE FINAL OUTCOME OF THE SCOPE DECISION.

4. THE LIQUIDATION AND CASH DEPOSIT RATES FOR FIRMS WITH A NONMARKET ECONOMY SEPARATE RATE, FOR WHICH AN ANTIDUMPING ADMINISTRATIVE REVIEW WAS NOT REQUESTED, WILL NOT BE REVISED FOR THIS PERIOD. THE FIRMS LISTED BELOW HAVE BOTH A NONMARKET ECONOMY SEPARATE RATE AND ARE NOT SUBJECT TO THE REVIEW FOR THE PERIOD 08/01/2006-07/31/2007. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF DEPARTMENT OF COMMERCE REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FOR THE FIRMS LISTED BELOW AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE

OF ENTRY.

POLYETHYLENE RETAIL CARRIER BAGS FROM THE PEOPLE'S REPUBLIC OF CHINA

A-570-886 08/01/2006-07/31/2007

LIQUIDATE ALL ENTRIES, EXCEPT AS NOTED IN PARAGRAPHS TWO AND THREE ABOVE, FOR FIRMS LISTED BELOW:

HANG LUNG PLASTIC MANUFACTORY LIMITED (A-570-886-001)
NANTONG HUASHENG PLASTIC PRODUCTS CO., LTD. (A-570-886-003)
XIAMEN MING PACK PLASTICS CO., LTD. (A-570-886-006)
ZHONGSHAN DONGFENG HUNG WAI PLASTIC
BAG MANUFACTOR (A-570-886-007)
BEIJING LIANBIN PLASTICS AND PRINTING CO., LTD. (A-570-886-008)
DONGGUAN MARUMAN PLASTIC PACKAGING COMPANY, LTD. (A-570-886-009)
GOOD-IN HOLDINGS LTD. (A-570-886-010)
GUANGDONG ESQUEL PACKAGING CO., LTD. (A-570-886-011)
RAIN CONTINENT SHANGHAI CO., LTD. (A-570-886-012)
SHANGHAI DAZHI ENTERPRISE DEVELOPMENT CO., LTD. (A-570-886-013)
SHANGHAI FANGSHENG COLOURED PACKING CO., LTD. (A-570-886-014)
SHANGHAI JINGTAI PACKAGING MATERIAL CO., LTD. (A-570-886-015)
SHANGHAI LIGHT INDUSTRIAL PRODUCTS
IMPORT & EXPORT (A-570-886-016)
SHANGHAI MINMENTALS DEVELOPMENT LTD. (A-570-886-017)
SHANGHAI NEW AI LIAN IMPORT AND EXPORT CO., LTD. (A-570-886-018)
SHANGHAI OVERSEAS INTERNATIONAL TRADING CO., LTD. (A-570-886-019)
WEIHAI WEIQUAN PASTIC AND
RUBBER PRODUCTS CO., LTD (A-570-886-021)
XIAMEN XINGYATAI INDUSTRY CO., LTD. (A-570-886-022)
JIANGMEN CITY XINHUI HENGLONG PLASTIC LTD. (A-570-886-023)
NAN SING PLASTICS, LTD. (A-570-886-024)
NINGBO FANRONG PLASTIC PRODUCTS CO., LTD. (A-570-886-025)
NINGBO HUANSEN PLASTICS CO., LTD. (A-570-886-026)
HIGH DEN ENTERPRISES, LTD. (A-570-886-028)

5. ENTRIES OF MERCHANDISE OF FIRMS NOT LISTED ABOVE SHOULD NOT

BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING ADMINISTRATIVE REVIEW FOR THE PERIOD 08/01/2006-07/31/2007. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE THAT WERE EXPORTED BY THE UNLISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

6. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2006 THROUGH 08/01/2006-07/31/2007 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW (72 FR 54428, 09/25/2007). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE

THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O4: KG).

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

ANNE MARICICH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party